

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the sixth s 486O assessment on Mr X who has remained in immigration detention for a period of more than seven and a half years. The previous assessment 1000399-O was tabled in Parliament on 29 November 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1970
Ombudsman ID	1000399-01
Date of department's report	23 October 2017
Total days in detention	2,732 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at a correctional facility.	
June 2017	Released from a correctional facility and detained under s 189(1) of the <i>Migration Act 1958</i> . He was transferred to Facility D.
July 2017	Transferred to Facility B.

Recent visa applications/case progression

July 2017	Mr X was notified that he was eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He declined the offer in August 2017.
August 2017	The Minister lifted the bars under ss 46A and 48B to allow Mr X to lodge a temporary visa application.
September 2017	Lodged a Safe Haven Enterprise visa (SHEV) application.
October 2017	SHEV application deemed invalid as it was outside the seven working day period for which the bar was lifted.
October 2017	The Department of Home Affairs (the department) advised that as Mr X has no matters before the department, the courts or tribunals, he has been referred for removal action.

Health and welfare

International Health and Medical Services (IHMS) advised that in July 2017 Mr X threatened self-harm and was placed on high Supportive Monitoring and Engagement observations to ensure his safety. Mr X remained under close observation until August 2017 when he was assessed to be at a low risk of harm.

IHMS further advised that Mr X was referred for specialist review for a medical condition in June 2017 and continued to await an appointment.

July 2017

An Incident Report recorded that Mr X threatened self-harm.

Ombudsman assessment

Mr X was detained in May 2010 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and a correctional facility, for more than seven and a half years.

In September 2017 Mr X lodged a SHEV application which was lodged out of time and deemed invalid in October 2017. As a result, he has no matters before the department, the courts or tribunals and has been referred for removal action.

The Ombudsman notes that Mr X's removal is likely to be protracted.